

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MIKHAIL VASILYEVICH KOLESNIK,

Petitioner,

v.

MERRICK GARLAND, et al.,

Respondent.

Case No. 2:24-cv-01603-TMC-TLF

ORDER PROVISIONALLY
GRANTING MOTION TO APPOINT
COUNSEL AND DIRECTING
PETITIONER TO SUBMIT
FINANCIAL AFFIDAVIT

Petitioner filed a motion to appoint counsel in this 28 U.S.C. § 2241 immigration habeas corpus action. Dkt. 2. Petitioner also submitted a Letter from the Federal Public Defender's Office indicating this case falls within the class of cases potentially governed by *Zadvydas v. Davis*, 533 U.S. 678 (2001), and indicating their willingness to represent petitioner in this case. Dkt. 2-1.

Because of the complex issues involved in this case, the interests of justice require that counsel be appointed for petitioner. See 18 U.S.C. § 3006A(a)(2)(B). However, petitioner must demonstrate that he is financially eligible for such an appointment. See 18 U.S.C. § 3006A(a)(2)(B); General Order 10-23. Accordingly, the Court finds and **ORDERS**:

(1) Petitioner's request for appointment of counsel is **PROVISIONALLY GRANTED**. Dkt. 2. The Court **PROVISIONALLY APPOINTS** the Federal Public Defender to represent petitioner in these proceedings.

ORDER PROVISIONALLY GRANTING MOTION TO
APPOINT COUNSEL AND DIRECTING PETITIONER
TO SUBMIT FINANCIAL AFFIDAVIT - 1

1 (2) On or before **November 18, 2024**, petitioner must complete and submit a
2 copy of the Court's financial affidavit form (CJA-23) demonstrating his financial eligibility
3 for the appointment of counsel. The Clerk is directed to provide petitioner with a copy of
4 the financial affidavit form (CJA-23).

5 (3) If petitioner fails to submit the completed financial affidavit form (CJA-23)
6 by **November 18, 2024**, the Court may terminate the appointment of counsel and direct
7 petitioner to proceed in the action unrepresented by counsel.

8 (4) The Clerk shall send copies of this Order to petitioner, to the Federal
9 Public Defender, to counsel for respondents, and to the Honorable Tiffany M.
10 Cartwright.

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12 Dated this 23rd day of October, 2024.

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Theresa L. Fricke
16 United States Magistrate Judge
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